

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

SNUGGLYCAT, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 18-03110-CV-S-SRB
	)	
OPFER COMMUNICATIONS, INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Plaintiff SnugglyCat Inc.'s Voluntary Motion to Dismiss without Prejudice. (Doc. #78). For the reasons stated below, the motion is GRANTED.

Federal Rule of Civil Procedure 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms the court considers proper." Plaintiff moves the Court to dismiss this case without prejudice based on Plaintiff's inability to sustain the cost of continuing suit. (Doc. #78, ¶ 9). Defendants urge the Court to dismiss the case with prejudice, arguing that dismissal without prejudice would deprive them of the ability to recover attorney's fees as a prevailing party. (Doc. #79, p. 1). The Court finds Plaintiff's motion to be made in good faith and acknowledges that discovery in this case is still in the early stages. The Court further finds that Defendants will not be prejudiced by dismissal without prejudice. Accordingly, Plaintiff SnugglyCat Inc.'s Voluntary Motion to Dismiss without Prejudice (Doc. #78) is GRANTED and Defendants' Motion to Dismiss Plaintiff SnugglyCat Inc.'s First Amended Complaint (Doc. #68) is DENIED as moot.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
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STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

DATE: October 23, 2018